

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Writ Petition No. 5764/2007

(Nipchand Sitaram Sherki VERSUS District Deputy Registrar Cooperative Societies & another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Tambde, counsel for the petitioner.
Mr. Sambre, Government Pleader for R-1.

CORAM : D.D.SINHA AND
SMT. VASANTI A. NAIK, JJ.
DATE : DECEMBER 11, 2007.

Heard Mr. S.K. Tambde, the learned counsel
for the petitioner and Mr. N.W. Sambre, the learned
Government Pleader for the respondent no.1.

This writ petition is directed against the
notice dated 03.12.2007 issued by the District Deputy
Registrar for holding Special General Meeting for
passing the 'No Confidence Motion' which is scheduled
tomorrow.

The counsel for the petitioner states that
while issuing the impugned notice, the statutory
procedure required to be followed by the authorities,
particularly contemplated in Rule 57-A of the
Maharashtra Cooperative Societies Act 1961 & Rules

1961, is not followed, and therefore, notice itself is bad in law and needs to be set aside.

To substantiate his contention, the counsel for the petitioner has relied on a case reported in **1993 (3) Mh.L.J. 129.**

Mr. Sambre, the learned Government Pleader, states that the matter is listed today for the first time. The meeting is scheduled for tomorrow and for want of instructions, it is not possible for him to demonstrate whether the procedure contemplated in Rule 57-A of the Maharashtra Cooperative Societies Act 1961 & Rules 1961 is followed or not. However, last line of the impugned notice itself shows that the authority who shall conduct the elections, is required to follow the procedure and after conducting the meeting, the minutes are required to be submitted to the District Deputy Registrar.

In the backdrop of the above referred facts, particularly for want of necessary data, we do not propose to show any indulgence here. However, it is open for the petitioner to question the validity of the

motion if it is passed in the meeting and procedure adopted is not in conformity with the mandatory rules. Consequently, the writ petition is disposed of. Steno copy be supplied.

JUDGE

JUDGE

APTE